

Darrington Parish Council

Councillor Co-Option Policy

Introduction

This policy sets out the procedure to ensure that there is compliance with legislation and continuity of procedures in the co-option of councillors to Darrington Parish Council ('the Council'). The Co-option procedure is entirely managed by the Council and this policy will ensure that a fair and equitable process is carried out.

Co-option

The Co-option of a Parish Councillor occurs when a casual vacancy has arisen on the Council and no poll (by-election) has been called. A casual vacancy occurs when:

- A Councillor fails to make his declaration of acceptance of office at the proper time;
- A Councillor resigns;
- A Councillor dies;
- A Councillor becomes disqualified;
- A Councillor fails for six (6) months to attend meetings of a Council committee or subcommittee or to attend as a representative of the Council a meeting of an outside body.

The Council will notify Wakefield District Council (WDC) of a casual vacancy within thirty (30) days of such vacancy arising. On receipt of approval from WDC, the Council will advertise the vacancy and give electors the opportunity to request an election. This occurs when ten electors notify WDC stating that an election is requested.

If a by-election is called, a polling station will be set up by WDC and the electors will be asked to vote for candidates who will have put themselves forward by way of nomination paper. The Council will pay the costs of the election. The electors have fourteen (14) days (not including weekends, bank holidays and other notable days) to claim the by-election.

If more than one candidate is nominated per vacancy, a by-election takes place; but if only one candidate is put forward per vacancy, they are duly elected without a ballot.

If ten residents do not request a ballot within fourteen (14) days of the vacancy notice being posted, the Council is able to co-opt a volunteer.

Confirmation of Co-option

On receipt of written confirmation from the Electoral Services Office of WDC the casual vacancy can be filled by means of Co-option. The Parish Clerk will:

- Advertise the vacancy for four weeks on the Council's notice boards and website;
- Advise the Council that the Co-option Policy has been instigated.

The Council is not obliged to fill any vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates that apply.

However, despite this, it is not desirable that electors be left underrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the Council if there are insufficient Councillors to share the workload equitably; to provide a broad cross-section of skills and interests; or to achieve meeting quorums without difficulty.

Councillors elected by co-option are full members of the Council.

Eligibility of Candidates

The Council can consider any person to fill a vacancy provided that he/she:

- is an elector of the Parish; or
- has resided in the Parish for the past twelve (12) months, or rented/tenanted land or other premises in the Parish; or
- had his/her principal place of work in the Parish; or
- has lived within three (3) miles (direct) of the Parish.

There are certain disqualifications for election, of which the main are:

- Holding a paid office under the Local Authority;
- Bankruptcy;
- Having been sentenced to a term of imprisonment (whether suspended or not) of not less than three (3) months without the option of a fine during the five (5) years preceding the election; and
- Being disqualified under any enactment relating to corrupt or illegal practices.

Candidates found to be offering inducements of any kind will be disqualified.

Applications

Although there is no statutory requirement to do so, candidates will be requested to:

- Submit information about themselves by way of completing a short application form (Appendix A); and
- Confirm their eligibility for the position of Councillor within the statutory rules (Appendix B).

Following receipt of applications, the next suitable full Council meeting will have an agenda item **‘To receive written applications for the office of Parish Councillor and to Co-opt a candidate to fill the existing vacancy’**.

Copies of the application(s) will be circulated to all Councillors by the Clerk at least three (3) clear days before the meeting of the full Council when the Co-option will be considered.

All such documents will be treated as strictly confidential by the Clerk and Councillors.

Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of the Council. Candidates will also be informed that they will be invited to speak about their application at the meeting.

At the Co-option Meeting

At the Co-option meeting candidates will be given five (5) minutes maximum to introduce themselves to councillors, give information on their background and experience and explain why they wish to become a member of the Council. The process will be carried out by adjourning the meeting to allow the candidate to speak. Where the Council wishes to discuss the merits of candidates and inevitably their personal attributes, the Council will resolve to exclude members of the press and public.

As soon as all candidates have finished giving their submissions, the Council will proceed to vote on the acceptability of each candidate utilising the Person Specification criteria as set out in Appendix C and any personal statements provided by the candidate(s), with each candidate being proposed and seconded by the Councillors in attendance and a vote by use of a signed ballot. The vote will be recorded. Voting must take place during a public meeting whilst the candidate(s) are present. The procedure should involve the whole Council and be open.

For a candidate to be elected to the Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the case of an equality of votes the Chairman of the meeting has a casting vote.

After the vote has been concluded the Chairman will declare the successful candidate duly elected and, after signing their Declaration of Acceptance of Office (Appendix D), he/she may take their seat immediately.

The Clerk will notify Electoral Services of the new appointment. The successful candidate(s) must complete their Registration of Pecuniary and Other Interests (Appendix E) within 28 days of being elected. The form should be handed to the Clerk.

If insufficient candidates come forward for co-option the process should continue, whereby the vacancies are again advertised.

This policy was adopted on 13 October 2022.

APPENDIX A

**DARRINGTON PARISH COUNCIL
APPLICATION FOR CO-OPTION**

Full name & title	
Home address	
Home telephone number	
Mobile telephone	
Email address	

About you

Please provide the Council with some background information about yourself.

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Reasons for applying

Please provide the Council with your reasons for wanting to become a Councillor.

Signature:

Your application also requires signatures of two (2) registered electors (known as a proposer and seconder) from the Parish area:

	Proposer	Secunder
Name		
Address		
Signature		

Please return your completed application form to the Clerk (clerk@darrington.org.uk).

Your application will be considered at the next available Council meeting after the publicised closing date, where a vote will be held to decide whether the Council agrees to co-opt you onto Darrington Parish Council.

Data Protection Act: The information provided on this application will remain private and confidential and will only be used for the purpose intended.

APPENDIX B

DARRINGTON PARISH COUNCIL CO-OPTION ELIGIBILITY FORM

1. In order to be eligible for co-option as a Darrington Parish Councillor you must be a British subject, or a citizen of the Commonwealth or the European Union; and on the 'relevant date' (i.e. the day on which you are nominated or if there is a poll, the day of the election) 18 years of age or over; and additionally able to meet one of the following qualifications set out below.

Please tick which applies to you:

- a) I am registered as a local government elector for the Parish; or
- b) I have, during the whole of the twelve months preceding the date of my co-option occupied as owner or tenant land or other premises in the Parish; or
- c) My principal or only place of work during those twelve months has been within the Parish; or
- d) I have during the whole twelve months resided in the Parish or within 3 miles of it.

2. Please note that under Section 80 of the Local Government Act a person is disqualified from being elected as a Local Councillor or being a member of a Local Council if he/she:

- a) Holds any paid office or employment of the local Council (other than the office of Chairman) or of a joint committee on which the Council is represented; or
- b) Is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below); or
- c) Has within five years before the day of election, or since his/her election, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or
- d) Is otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices.

3. This disqualification for bankruptcy ceases in the following circumstances:

- i. If the bankruptcy is annulled on the grounds that either person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;
- ii. If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;
- iii. If the person is discharged without such a certificate.

In i. and ii. above, the disqualification ceases on the date of the annulment and discharge respectively.

In iii, it ceases on the expiry of five years from the date of discharge.

Declaration

I.....hereby confirm that I am eligible for the vacancy of Darrington Parish Councillor and the information given on this form is a true and accurate record.

Signature.....

APPENDIX C

DARRINGTON PARISH COUNCIL

CO-OPTED COUNCILLOR PERSON SPECIFICATION COMPETENCY

	ESSENTIAL	DESIRABLE
Personal Attributes	<ul style="list-style-type: none"> - Sound knowledge and understanding of local affairs and local community - Forward thinking 	<ul style="list-style-type: none"> - Can bring a new skill, expertise or key local knowledge to the Council
Experience, Skills, Knowledge and Ability	<ul style="list-style-type: none"> - Ability to listen constructively - A good team player - Ability to pick up and run with a variety of projects - Solid interest in local matters - Ability and willingness to represent the Council and their community - Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others' views and accept majority decisions - Ability to communicate succinctly and clearly - Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff - Ability and willingness to work with Council's partners (e.g. voluntary groups, other Parish Councils, principal authority, charities) - Ability and willingness to undertake induction training and other relevant training 	<ul style="list-style-type: none"> - Experience of working or being a member in a local authority or other public body - Experience of working with voluntary and or local community/interest groups - Basic knowledge of legal issues relating to town and Parish Councils or local authorities - Experience of delivering presentations
Circumstances	<ul style="list-style-type: none"> - Ability and willingness to attend meetings of the Council 	

APPENDIX D

**DARRINGTON PARISH COUNCIL
DECLARATION OF ACCEPTANCE OF OFFICE**

I,.....

Having been elected to the office of Of Darrington Parish Council, declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

Signed

Date

This declaration was made and signed before me:

Name

Signed

Member of the Parish Council

APPENDIX D
DARRINGTON PARISH COUNCIL
REGISTER OF MEMBERS' DISCLOSABLE PECUNIARY AND OTHER
INTERESTS

This form comprises the entry in the Register of Interests of the below named member.

The register of interest is maintained by the Monitoring Officer in accordance with Section 29 of the Localism Act 2011.

Name

Signed

Date

Please contact the Monitoring Officer or Overview and Scrutiny Team, if you require any assistance as to how to complete this document.

Please Note:

Under the regulations made under the Localism Act 2011 Members must register their "disclosable pecuniary interests".

The statutory regulations state that a pecuniary interest is a "disclosable pecuniary interest" in relation to a Member if:

- (a) It is an interest of yourself, or
- (b) It is an interest of
 - (i) your spouse or civil partner,
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as civil partners

and that you are aware that the other person has the interest.

*** When completing this form, Members should ensure that the information in response to each question includes that relating to themselves and the individuals listed above to ensure compliance with the statutory requirements.**

1	Are you employed – whether full or part time?	
2	Are you self-employed or do you run a business?	
3	Are you a partner in any business?	
4	Are you a <u>remunerated</u> ** director of a company?	
5	Has any person or body made a payment to you in respect of your election expenses?	
6	Do you have a beneficial interest in a class of securities of a corporate body that has a place of business in the Council’s area that exceeds the nominal value of £25,000 or 1/100 of the total issued shared capital of that body?	
7	<p>Do you have a beneficial interest in any land in the Council’s area?</p> <p><i>(Please provide details of any land in the Wakefield district in which you have a beneficial interest (that is, in which you have some proprietary interest for your own benefit). You should give the address or a brief description to identify it (e.g. postcode and house number). You should include your home under this heading as owner, lessee or tenant. This includes joint owners, lessees or tenants. This would also include WDH tenancies).</i></p> <p><i>You should also include any property from which you receive rent, or of which you are a mortgagee.</i></p> <p><i>“Land” includes any buildings or parts of buildings.</i></p>	

<p>8</p>	<p>Do you have a license (alone or with others) to occupy any land in the Council's area for 28 days or longer?</p> <p><i>(This includes grazing agreements, allotments, garage licences and other short term arrangements to use your authority's land or property).</i></p>	
<p>9</p>	<p>Are you a member of or part of any body to which you have been appointed <u>by the Council</u> as its representative?</p> <p><i>(Include statutory boards (e.g. Police, fire and transport), school governing bodies, housing trusts, local organisations, charities, local authority associations etc).</i></p>	
<p>10</p>	<p>Are you a member of or part of any public authority or body exercising functions of a public nature in <u>your own right</u>?</p> <p><i>(Include statutory consumer bodies, health authority bodies).</i></p>	
<p>11</p>	<p>Are you a member of or part of any body that undertakes charitable purposes?</p> <p><i>(Include charities of which you are a member (e.g. RSPCA, NSPCC etc). Membership of a charity would include where you pay a membership fee, or have voting rights at a meeting of the charity, or you receive a regular newsletter or other publication).</i></p>	
<p>12</p>	<p>Are you a member of or part of any body whose <u>principal purpose</u> includes the influence of public opinion?</p> <p><i>(Include political parties, lobby groups and pressure groups).</i></p>	
<p>13</p>	<p>Are you a member of any trade union or professional association?</p> <p><i>(Include all trade unions and professional association of which you are a member).</i></p>	
<p>14</p>	<p>Are you a member of any private club or other organisation not otherwise listed on this form?</p>	

<p>15</p>	<p>Does any person or body <u>other than the Council</u> make a payment to you in respect of any of your expenses incurred in carrying out your duties as a Councillor?</p> <p><i>(Include the name of the political party and any other person paying any expenses incurred by you in carrying out your duties (e.g. travel expenses received from other bodies, such as local authority associations).</i></p>	
<p>16</p>	<p>Have you received any gifts or hospitality (worth in excess of £25) in connection with your public office?</p>	

This form must be returned to the Monitoring Officer for inclusion on Wakefield Council's website, in accordance with the requirements of the Localism Act 2011. Forms should be sent to the Monitoring Officer, c/o Overview and Scrutiny Team, County Hall, Wakefield, WF1 2QW or scrutinycontact@wakefield.gov.uk. Your Clerk may also require a copy of the form for their records. In addition, if the Parish/Town Council has its own website there is also a requirement to publish Member interests on that website.